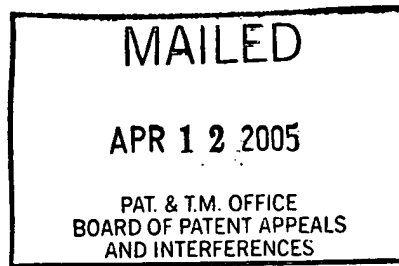


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Paper 1

Filed:
April 12, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DERK J. **BERGSMA**,
and
MASASHI YANAGISAWA
Junior Party
(Patent 6,001,963),

v.

J. GREGOR **SUTCLIFFE**,
KAARE M. GAUTVIK, LUIS De LECEA,
FLOYD E. BLOOM, PATRIA E. DANIELSON,
VIGDIS T. GAUTVIK, THOMAS S. KILDUFF
and PAMELA E. FOYE
Senior Party
(Application 09/735,138).

Patent Interference No. 105,280

DECLARATION

¹ As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, subsequent papers in this case originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count, and claims designated as corresponding to or as not corresponding to the count appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **June 1, 2005 at 1:00 p.m.** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: BERGSMA, DERK J.; Berwyn, PA
YANAGISAWA, MASASHI; Dallas, TX

Patent: 6,001,963, issued December 14, 1999; from
application 08/938,548 filed September 26, 1997

Title: NOVEL LIGANDS OF THE NEUROPEPTIDE RECEPTOR HFGAN72

Assignee: SMITHKLINE BEECHAM CORPORATION
ONE FRANKLIN PLAZA
PHILADELPHIA, PENNSYLVANIA 19103

Accorded Benefit: 08/887,382, filed July 02, 1997
08/820,519, filed March 19, 1997

Senior Party

Named Inventors: SUTCLIFFE, J. GREGOR; Cardiff, CA
GAUTVIK, KAARE M.; San Diego, CA
DE LECEA, LUIS; Del Mar, CA
BLOOM, FLOYD E.; San Diego, CA
DANIELSON, PATRIA E.; San Diego, CA
GAUTVIK, VIGDIS T.; San Diego, CA
KILDUFF, THOMAS S.; Menlo Park, CA
FOYE, PAMELA E.; San Diego, CA

Application: 09/735,138, filed December 12, 2000

Title: HYPOTHALAMUS-SPECIFIC POLYPEPTIDES

Assignee: None

Accorded Benefit: 09/230,896, filed February 02, 1999 (Patent 6,635,479)
PCT/US97/13657, filed August 01, 1997
60/023,220, filed August 02, 1996

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge James T. Moore)

DERK J. BERGSMA,
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Patent Interference No. 105,280

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,01,963
Copy of claims of 09/735,138

Revised September 2004

cc (via overnight delivery):

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